

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROBERT HARDEN,

Plaintiff,

vs.

THE STATE OF NEBRASKA, THE
NEBRASKA ATTORNEY
GENERAL'S OFFICE, MATT KUHSE,
Douglas County Prosecutor, in his
Official Capacity; AIMEE MELTON,
Douglas County Prosecutor, in her
Official Capacity; LEANNE MARIE
SRB, Douglas County Public Defender;
THE GOVERNORS OFFICE, THE
ATTORNEY GENERAL, in His and
Her Official Capacity; LAURIE SMITH
CAMP, Judge; GERALD MORAN,
Judge; THE NEBRASKA FEDERAL
BUREAU OF INVESTIGATIONS
DIVISION, ROBERT CLAYTON
HICKS, Agent; MICHAEL SACKETT,
Agent; and THE OMAHA POLICE
DEPARTMENT,

Defendants.

4:17CV3095

**MEMORANDUM
AND ORDER**

On August 16, 2017, the court ordered Plaintiff to show cause why he is entitled to proceed in forma pauperis ("IFP") pursuant to the provisions of [28 U.S.C. §1915\(g\)](#). ([Filing No. 8](#).) The court listed three cases brought by Plaintiff that were dismissed because they failed to state a claim upon which relief may be granted. (*Id.* at CM/ECF p. 2.) For Plaintiff to proceed IFP, he needs to show the court that any or all of the three dismissed cases do not meet the criteria set forth in

§1915(g) or, alternatively, that he faces imminent danger of serious physical injury.

Plaintiff filed a response to the court's Memorandum and Order. ([Filing No. 9](#).) In his response, Plaintiff does not deny that, while incarcerated, he filed three cases that were dismissed because they failed to state a claim upon which relief may be granted. He also does not allege that he faces any danger of physical injury. Instead, Plaintiff argues that he does not have "three strikes," because, in his prior cases, he was granted IFP status or the court did not order him to pay the filing fee, none of which is a relevant consideration here.

In short, Plaintiff has not shown that he is entitled to proceed IFP, nor has he paid the full \$400 filing fee. For these reasons, this matter must be dismissed.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice.
2. A separate judgment will be entered.

Dated this 12th day of September, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge